

REMARKS/ARGUMENTS

Claims

Claims 1-82 are pending in the application. Claims 1-58 and 64-82 are allowed. Claims 59-63 stand rejected on prior art grounds. Applicants have amended claim 59 in order to overcome the rejections. Applicants have amended claims 55 and 82 to correct spelling errors. Please enter amended claims 55, 59 and 82. Although claim 64 is allowed, it depends from independent claims 59 and 43; and applicants have opted to cancel claim 64 in favor of amending independent claim 59.

35 USC § 102 Rejections

Claims 59-63

Claims 59-63 are rejected under 35 U.S.C. 102(b) as being anticipated by McKenna et al. (US 5,737,506) ("McKenna").

Regarding claim 59, the applicants have amended claim 59 in view of the allowed claim 64. Allowed claim 64 depends from rejected claim 59 and allowed claim 43. Instead of amending claim 64 with the matter from claims 59 and 43, applicants have opted to amend claim 59 by incorporating elements of allowed claim 43. The amended independent claim 59 reads:

Claim 59. (currently amended) A machine-readable memory accessible by a computing device, said memory comprising data storage regions storing surface information in three dimensions of at least a portion of a work of art, said surface information obtained by scanning said work of art with a scanner and calculating said surface information in three dimensions from a series of images obtained by said scanner;

wherein said scanner comprises a projection system for projecting a pattern and an electronic imaging device for generating an image of said pattern after reflection of said pattern from an object, and wherein said scanner is calibrated using a method comprising the steps of:

projecting said pattern onto at least one surface at two different distances from said scanner and generating first and second images with said electronic imaging device of said pattern at said two distances;

imaging a set of objects of known spatial X-Y relationship at said two different differences;

generating a three-axis (X, Y and Z) coordinate system calibration relationship for said scanner, said calibration relationship indicating: (1) pixel coordinates for numerous portions of said pattern when said pattern is projected onto said surface at said two different distances, and (2) distance information in X and Y directions for said portions of said pattern for said two different distances; and

storing said calibration relationship in a memory associated with said scanner.

Applicants submit that the scanner calibration method disclosed in claim 59 is novel over and not anticipated by McKenna, and respectfully request that the anticipation rejection of claim 59 under 35 U.S.C. 102(b) should be withdrawn.

Regarding claims 60-63, each of claims 60-63 depends, either directly or through an intervening claim, from independent claim 59. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 59 under U.S.C. 102(b), the applicants respectfully submit that the Examiner's grounds for rejection of claims 60-63 under U.S.C. 102(b) are moot, and request that the anticipation rejection of claims 60-63 under U.S.C. 102(b) should also be withdrawn.

Claim 64

Regarding claim 64, as noted above, although claim 64 is allowed, claim 64 depends from independent claims 59 (rejected) and 43 (allowed). Therefore, the applicants have opted to cancel claim 64 in favor of amending claim 59.

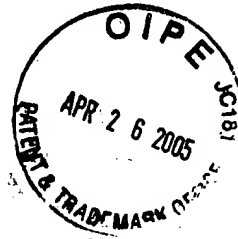
Claims 55 and 82

Regarding claims 55 and 82 claims 55 and 82 are allowed. However, the applicants have amended claims 55 and 82 in order to correct spelling errors.

Drawings

The Examiner objected to the drawings submitted 13 April 2001. However, the applicants subsequently submitted the formal drawings on December 3, 2001. The Examiner verbally indicated that the formal drawings previously submitted are

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acceptable.

The applicants have put the application in condition of allowance. Favorable consideration of the amendment and allowance of all claims is requested.

Respectfully submitted.

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

The undersigned hereby certifies that the foregoing Amendment is being deposited with the United States Postal Service with sufficient postage as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 22nd day of April, 2005.

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